IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Appeal No.1519/2001
(old No.2083/1999)

Mahesh son of Shanti Swaroop Gupta
Proprietor, M/s Roorkee Industries,
Resident of Rajputana Street,
PS GangNahar Town Roorkee,
District Haridwar. Applicant

Versus

1 State of Uttar Pradesh
2 Ajit Singh Sethi s/oGur Dayal Singh
Partner of M/s Sethi Engineering
Industries
R/oRailways Road,Near Hanuman Temple
PS Gang Nahar Town Roorkee
District Haridwar
3 M/SSethi Engineering Industries,
Railway Road,Near Hanuman Temple,
PS GangNahar ,Town
Roorkee District Haridwar,
through its Partner Ajit Singh Sethi opposite parties.

Hon'ble B.C.Kandpal, J.

This criminal Appeal has been filed by the complainant Mahesh Chand against the order dated 8.2. 1999, by which the court below has dismissed the complaint.

Heard Learned counsel for the appellant, learned AGA and perused the record of the court below.

The main contention of the learned counsel for the appellant is that on 17.12. 1998 the case was adjourned and was fixed for 9.2. 1999 while the complaint itself was dismissed by the court below on 8.2. 1999. It has been submitted by the learned counsel for the complainant that he had no notice at all for 8.2. 1999,

hence the impugned order dismissing the complaint is illegal and deserves to be quashed.

I do not find any force in the arguments advanced by the learned counsel for the appellant.

The order sheet shows that on 17.12.1998 the next date was fixed as 8.2. 1999 .The original record also reveals the same and there is no interpolation in the date fixed as 8.2. 1999.

Perusal of the original record shows that on 17.12. 1998 the next date was fixed as 8.2.1999 and on this date the complainant did not appear before the court below. The court below has therefore rightly dismissed the complaint on the date fixed i.e. on 8.2. 1999.

I do not find any infirmity in the impugned order dated 8.2. 1999 passed by the court below. The arguments advanced by the learned counsel for the appellant being devoid of any force and as such the appeal is liable to be dismissed.

Accordingly the appeal is dismissed.

(B.C.Kandpal, J)

22.11.2005
nbj